

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE HEISMAN TROPHY TRUST, :

Plaintiff, :

-against- :

SMACK APPAREL COMPANY, :

Defendant. :  
-----X

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08 Civ. 9153 (VM)

**ORDER DIRECTING  
THE REGISTRATION OF JUDGMENT  
FOR ENFORCEMENT IN THE  
MIDDLE DISTRICT OF FLORIDA**

Plaintiff The Heisman Trophy Trust, having applied for an order directing the certification of the Judgment entered on October 20, 2009 (the "Judgment") against Smack Apparel Company in the amount of \$498,254.70 for registration and filing in the United States District Court for the Middle District of Florida; and Smack Apparel Company having received good and sufficient notice of the Motion;

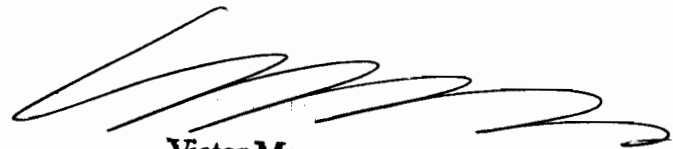
Now upon consideration of the motion of The Heisman Trophy Trust for an order directing the registration and filing of a certified copy the Judgment in the United States District Court for the Middle District of Florida and other districts and all the papers and arguments made in support of and in opposition to that motion; and all of the prior proceedings heretofore; and due deliberation having been had, it is hereby

ORDERED that the Clerk of Court shall certify the Judgment entered on October 20, 2009, against Smack Apparel in the amount of \$498,254.70 for registration in the United States District Court for Middle District of Florida.

SO ORDERED.

Dated: New York, New York

5 January, 2010



**Victor Marrero**  
United States District Judge

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December 31, 2009

BY FACSIMILE

The Honorable Victor Marrero  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Room 660  
New York, NY 10007

Re: The Heisman Trophy Trust v. Smack Apparel Company, 08 Civ. 9153 (VM)

Dear Judge Marrero:

During the telephone conference with Your Honor on December 22, Your Honor instructed defendant Smack Apparel Company ("Smack") to inform the Court in writing no later than on December 24 as to whether Smack believes it has any basis to oppose The Heisman Trophy Trust's motion for an order certifying the Judgment entered on October 20, 2009 against Smack (the "Judgment") for registration and filing in the United States District Court for the Middle District of Florida. To date, Smack has not complied with the Court's instruction. In addition, Smack has also failed to post a supersedeas bond, after requesting and being granted an extension of time until December 28 in which to do so. (Dckt. 75.) For these reasons, The Heisman Trophy Trust respectfully requests that the Court grant the pending motion and authorize The Heisman Trophy Trust to register the Judgment against Smack in the Middle District of Florida.

Respectfully,

*Lawrence Friedman (ARB)*

Lawrence B. Friedman

cc: James W. Tilly, Esq. (by email)  
Kelly Talcott, Esq. (by email)  
Counsel for Defendant Smack Apparel Company